

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

MAY 5, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Keith Brady, Attorney Michael Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

Commissioner Paul Cowley will be arriving to the meeting late. Therefore, Commissioner Ethan Migliori will step down when necessary to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS

The Warrant Check Edit List # 235830 through and including #235932 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
23-15	Truck bed for 2015 Dodge Truck Weed/Mosquito	\$2,350.00
24-15	Panasonic Toughbook 54 Lite Sheriff	\$1,579.15
25-15	Apple Ipad Air 2 64GB Sheriff	629.99

Dispositions were presented for a microwave from the Aquatic Center #2111, a water heater from the Library.

(2)

APPROVAL TO HIRE JORDAN LEONARD AS A FULL TIME ECONOMIC  
DEVELOPMENT DIRECTOR, FLSA EXEMPT WITH FULL BENEFITS. WAGE GRADE 22  
@ \$23.97 PER HOUR.

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(3)

APPROVAL OF THE FOLLOWING VOLUNTEERS WITH THE HUNTINGTON LIBRARY:  
BRANDY WAGNER, JOYCE GUYMON, STEPHANIE OVIATT, ALYSSA HESS, ALEVA  
COOK, KORI COOK, AIDAN MORTENSEN, MEGAN HESS, AND CRISSANNE  
DURRANT.

(4)

APPROVAL TO REHIRE LANDON FEHLBERG AS A SEASONAL COMMUNICATION  
TECHNICIAN EFFECTIVE 5-11-15. WAGE \$13.00 PER HOUR.

(5)

APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 21, 2015.

Commissioner Keith Brady made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

There was nothing pulled for discussion.

(2)

EMPLOYEE OF THE MONTH

Commissioner Migliori presented Employee of the Month to Loyette Holdaway. Loyette started working for the library system in 1985 as the assistant librarian in Huntington. In 1994 she became the head librarian in Elmo when the Elmo library was built. In 2004 she moved again to the Cleveland library to take over the head librarian job there after the retirement of Mickey Carter. She has worked in the library system for 29 years. Loyette is an asset to the system. She is a very hard worker. She is creative and makes the library an inviting place to be. She is very personable and works well with the patrons. She has many school classes come from Cleveland Elementary and the kids love her. Even though it isn't her job to read to them, she continues to do that because she loves the kids and likes to get them excited about reading. She is involved in other aspects in the community, like community theater. She can act and has an incredible singing voice, which helps her do fun story times. Commissioner Migliori presented Loyette with a certificate of appreciation and Emery County Business Chamber Bucks.

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(3)

OPEN BIDS FOR LAWN/FERTILIZER/AERATION AT COURTHOUSE, ROAD  
DEPARTMENT AND MUSEUM. CONSIDERATION AND APPROVAL TO AUTHORIZE  
CHAIRMAN TO ENTER INTO CONTRACT WITH VENDOR AFTER REVIEW OF BIDS.

Bids were opened for lawn/fertilizer/aeration at the Courthouse, Road Department and Museum of the San Rafael. One bid was received from Spade Pest Control in the amount of \$395.00. Commissioner Keith Brady made a motion to authorize Commission Chairman to enter into contract with Spade Pest Control after review of the bid. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

OPEN COMPETITIVE PROPOSALS FOR ELECTRICAL EVALUATION OF THE  
COURTHOUSE. CONSIDERATION AND APPROVAL TO AUTHORIZE CHAIRMAN TO  
ENTER INTO CONTRACT WITH VENDOR AFTER REVIEW OF PROPOSALS.

Proposals were opened for electrical evaluation of the courthouse. One proposal was received from Christensen Electrical Contractors. Commissioner Keith Brady made a motion to evaluate the proposal and upon satisfaction authorize Commission Chairman to enter into contract with Christensen Electrical Contractors for an electrical evaluation of the courthouse. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(5)

RATIFY DECISION TO APPROVE EMERGENCY PROCUREMENT FOR REPAIRS TO  
THE MARSHALL BRIDGE.

Commissioner Keith Brady made a motion to ratify the decision to approve emergency procurement for repairs to the Marshall Bridge. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT WITH JOHANSEN  
AND TUTTLE ENGINEERING FOR REPAIRS TO THE MARSHALL BRIDGE  
IMPROVEMENT PROJECT.

Commissioner Keith Brady made a motion to approve of an Engineering Contract with Johansen & Tuttle Engineering for repairs to the Marshall Bridge Improvement Project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(7)

OPEN BIDS AND AUTHORIZE THE CHAIRMAN TO SIGN THE NOTICE OF AWARD  
AND OTHER PAPERWORK TO EXPEDITE THE MARSHALL BRIDGE IMPROVEMENT  
PROJECT AFTER RECOMMENDATION OF THE ENGINEER.

Bids were opened for Marshall Bridge Improvement Project. Bids were as follow:

- |                          |             |
|--------------------------|-------------|
| 1) Double E Construction | \$52,686.50 |
| 2) Nielson Construction  | \$40,115.00 |
| 3) Nelco Contractors     | \$35,174.40 |

Commissioner Keith Brady made a motion to authorize Commission Chairman Ethan Migliori and Johansen & Tuttle to compare the bids and upon satisfaction award the bid to the apparent low bidder, Nelco Contractors and sign the notice of award and subsequent paperwork. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

EMERY HIGH SCHOOL STUDENT COUNCIL, REQUEST APPROVAL TO WAIVE  
RENTAL FEE FOR USE OF AQUATIC CENTER FOR GRADUATION SMASH-A NATION  
PARTY.

Emery High School Student Council President, Kayden Parkins came before the Board of Commissioners to request approval to waive the rental fee for the use of the Aquatic Center for 2015 Graduation Smash-A-Nation Party. He explained that the Government Youth Council (GYC) has been disbanded so responsibility for the graduation party has passed to the student council. He stated it was their understanding that Emery High School gets 2 free swim days. They have already used one day and would like to use the other free day for a graduation party. Commissioner Brady stated it was his understanding that the elementary schools have paid \$40.00 per hour for a lifeguard on duty. Commissioner Migliori indicated that he would like to look at the agreement that the county has with the school district to review the language regarding free swim days. He stated he is aware that the school district owned the land and paid for the parking lot at the swimming pool and that in exchange the schools get swimming privileges during school days as part of their incentive program. Commissioner Keith Brady made a motion to review the contract/agreement with the Emery County School District and to follow what the contract/agreement states regarding free swim days and if not addressed in the agreement then the charge could be as much as \$120.00 to \$160.00 for use of the lifeguards. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(9)

JESSICA LINDLEY, REPRESENTING MISS EMERY PAGEANT, REQUEST APPROVAL TO WAIVE RENTAL FEE FOR USE OF THE AQUATIC CENTER FOR CONTESTANTS OF THIS YEAR'S MISS EMERY PAGEANTS FOR A POOL DAY.

Jessica Lindley, representing Miss Emery Pageant came before the Board of Commissioner to request approval to waive the rental for use of the Aquatic Center for a pool party for contestants of this year's Miss Emery Pageant. She indicated that last year they had 47 contestants overall participating in the pageant. Girls pay to enter the pageant but the fees go toward the costs involved in sending Miss Emery to state competition. BK's has donated the pizzas for the party. She requested approval to close the pool from 6-8 on June 4, 2015 and waive the rental fee for the contestants. The Commissioners discussed charging the \$40.00 per hour for a lifeguard on duty. Brenda Tuttle reminded the Commissioners that Emery County pays the bills for the Emery County Fair/Miss Emery Pageant so the county would be charging themselves to get paid for the use of lifeguards. Therefore, Commissioner Keith Brady made a motion to approve the request to waive the rental fee for use of the Aquatic Center for contestants of this year's Miss Emery Pageant for a pool day. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF ROW GRANT SERIAL NUMBER UTU-89586 WITH THE BUREAU OF LAND MANAGEMENT FOR EXISTING ROAD KNOWN AS GILLIES RANCH TO HORSE BENCH AND GILLIES RANCH (FRENCHMAN'S)

Commissioner Keith Brady made a motion to approve of a ROW Grant for the maintenance of existing roads known as Gillies Ranch to Horse Bench and Gillies Ranch (Frenchman), serial number UTU-89586. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

REVIEW AND APPROVAL OF ASSURANCES RELATING TO REAL PROPERTY ACQUISITION- NRCS ADS-78.

The Assurances Relating to Real Property Acquisition certifies that work was properly performed on the Huntington City Creek to remedy and repair flood damage caused by the Seely Fire in the Huntington Canyon drainage and construction easements were granted by each property owner. Attorney Michael Olsen has reviewed the document and recommends signing said document. Commissioner Paul Cowley made a motion to approve of Assurances Relating to Real Property Acquisition- NRCS ADS -78. The motion was seconded by Commissioner Keith Brady. The motion passed.

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(12)

CONSIDERATION AND APPROVAL OF CONTRACT WITH STATE OF UTAH FOR PROVIDING BAILIFF AND SECURITY SERVICES FOR DISTRICT AND JUVENILE COURTS.

Sheriff Funk indicated that he as able to negotiate a higher rate for bailiff and security services. This new contract reflects the new rate at\$16,458.00. The contract has been reviewed by County Attorney Michael Olsen and Sheriff Funk. Commissioner Keith Brady made a motion to approve of a contract with the State of Utah for providing bailiff and security services for District and Juvenile Courts. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

APPROVAL TO ADOPT HEALTHCARE BLUE BOOK AS AN ADDITIONAL BENEFIT FOR FULL TIME EMPLOYEES. EFFECTIVE 7-1-15 (60 DAY NOTICE). COST PER EMPLOYEE PER MONTH WILL BE \$1.90 X 119 EMPLOYEES = \$2,713.20 ANNUALLY. PLUS PARTICIPANTS WHO UTILIZE "GREEN" SERVICES FOR PRE DETERMINED PROCEDURES WOULD RECEIVE A CASH CARD BASED UPON THE PROCEDURE PERFORMED.

Personnel Director, Mary Huntington explained that this program was introduced by Jeff Kelsey, Emery County's Insurance representative. This program is a link on the Meritain web page. It is an incentive program for participants to shop around for the best deal for services and pre-determined procedures. Individuals who utilize this program will receive a cash card based upon the procedure. The cost for the county to provide this program as an additional benefit for full time employees would be \$2,713.20 annually. Employees participation in this program will save the county money. Commissioner Keith Brady made a motion to adopt Healthcare Blue Book as an additional benefit for full time employees. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF CHANGE ORDER #1 FOR EMERY COUNTY JAIL MECHANICAL UPGRADE PROJECT 2014.

Change Order #1 for the Emery County Jail Mechanical Upgrade Project 2014 is for Trane to come down for 2 days to evaluate the controls for the air units and other equipment at the Jail in the amount of \$2,245.00. Retainage was held from the project in the amount of \$12,950.00. The project will be closed out with the final payment of \$15,195.00 to A. Johnson Heating. Commissioner Paul Cowley made a motion to approve of Change Order #1 for Emery County Jail Mechanical Upgrade Project 2014. The motion was seconded by Commissioner Keith

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Brady. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF RESOLUTION COVENANTING TO NOT  
IMPAIR THE MINERAL LEASE REVENUES OF THE EMERY COUNTY FIRE  
PROTECTION SPECIAL SERVICE DISTRICT SO AS TO NEGATIVELY IMPACT SAID  
DISTRICT'S ABILITY TO REPAY ITS \$200,000 MINERAL LEASE REVENUE BOND,  
SERIES 2015; AND RELATED MATTERS.

Clerk/Auditor Brenda Tuttle explained that the Fire District received a \$200,000.00 mineral lease bond from the CIB. The funds will be used to purchase 8 new fire trucks. The trucks have already been ordered. The Fire District has spent \$556,000.00 on these trucks already. The \$200,000.00 bond will be repaid at \$40,000.00 per year for five years. The Fire District has done this same thing in the past with no problems repaying the bond. Prior to the bond closing the CIB requires a resolution from the County covenanting to not impair the mineral lease revenues of the Fire District so as to negatively impact the repayment of the bond. She recommended the Commissioners approve Resolution 5-5-15. Commissioner Keith Brady made a motion to approve Resolution 5-5-15. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF PROCEDURE OF MAINTENANCE AND USAGE  
OF ROKON TRAIL MACHINE.

Commissioner Keith Brady made a motion to table this matter for further clarification. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

CONSIDERATION AND APPROVAL TO APPLY TO RECEIVE OHV FUNDS TO PAY FOR  
SITLA ADMINISTRATIVE FEES ON ROW EASEMENTS.

ECSSD#1 received a grant from CIB to purchase road easements from SITLA. They were informed that CIB will not reimburse ECSSD#1 for administrative cost by SITLA totaling \$1,750.00. SITLA personnel have informed ECSSD#1 that the County can apply and receive funds from the OHV fund to pay for these administrative costs. ECSSD #1 requested that the county pursue applying for these funds. Commissioner Paul Cowley made a motion to approve the process of applying to receive OHV funds to pay SITLA administrative fees on ROW easements. The motion was seconded by Commissioner Keith Brady. The motion passed.

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(18)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN  
EMERY COUNTY AND HUNTINGTON CITY TO CONSTRUCT A COUNTY TRAIL TO  
BE CONNECTED TO THE HUNTINGTON CITY TRAIL.

The County has determined to construct a County trail to be connected to the Huntington City Trail. Huntington City contracted with Nielson Construction Company and has nearly completed their portion of the trail. Nielson has agreed to complete the County portion of the trail under a change order through the city. The project deadline is August 31, 2015. The price points of Huntington City's contract with Nielson are favorable and it is in the best interest of the County to take advantage of the prices of Huntington City and Nielson's contract. The Commission believes it would be in the best interest of both parties to cooperate in the construction of the trail. After looking over the contract with State Parks it was determined that the cost figures don't match up. Attorney Michael Olsen recommended approval pending corrections to the fiscal assistance agreement with Utah State Parks. Commissioner Paul Cowley made a motion to approve of an interlocal agreement between Emery County and Huntington City to construct a county trail to be connected to the Huntington City Trail pending changes to the State Parks agreement to clarify the cost of the project. The motion was seconded by Commissioner Ketih Brady. The motion passed.

(19)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Cowley*

Commissioner Cowley reported on the status of the Recreation District's Recreation Complex Improvement Project. He stated he was grateful for the BLM/County ROW Grant to maintain the Frenchman's Road. That is a bad spot that needs to be cleaned up so permittees can get their cattle out of the area.

*Commissioner Brady*

Commissioner Brady discussed UAC Conference and bills that were discussed in that conference that he is watching closely. Emery County Business Chamber will hold its Lunch & Learn on May 20, 2015.



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*Commissioner Migliori*

Commissioner Migliori reported that May 9<sup>th</sup> is Family Day at the Museum of the San Rafael. There is a groundbreaking in Carbon County for the Miner's Memorial. He recently met with Congressman Chaffetz staff concerning Public Lands issues as they related to the County's proposed land bill. The Emery County Fair Committee is in need of volunteers for this years fair. If interested contact Jake at the Recreation District. He reported on attending AOG Resource Management Meeting where they discussed the \$50,000.00 allocated for . They are going to CIB with that \$50,000.00 to try and get it doubled.

(20)

ADJOURNMENT.

The meeting was adjourned.

ATTEST:\_\_\_\_\_ COMMISSIONER:\_\_\_\_\_